

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	
vs.)	
)	Case No. 10-0078-01-CR-W-FJG
Michael D. Toal,)	
)	
Defendant.)	

ORDER

Pending before the Court is the defendant's motion for determination of competency (Doc. #42), filed May 19, 2011. On July 27, 2011, Magistrate Judge Sarah W. Hays held a hearing regarding defendant's mental competency, at which time the parties stipulated to the forensic evaluation by David E. Morrow, Ph.D. (Doc. #48).

Magistrate Judge Hays issued a report and recommendation (Doc. #52), filed August 4, 2011, finding that defendant is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his defense and that he is competent to stand trial. No objections to the report and recommendation were filed.

The Court, after independent review of the record and applicable law, finds that defendant is competent to understand the nature and consequences of the proceedings against him and to properly assist in his own defense, and that he is competent to stand trial.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: 9/15/2011
Kansas City, Missouri